

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

LORIE FEISTL,	:	
Plaintiff	:	CIVIL ACTION NO. 3:14-0491
v.	:	
		(JUDGE MANNION)
LUZERNE INTERMEDIATE UNIT,	:	
ANTHONY GRIECO, RONALD	:	
MUSTO, GREG KOONS, BETTY	:	
JEAN SEGEAR, and KIM	:	
GEISINGER	:	
Defendants	:	

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) The defendants' motion to dismiss the plaintiff's second amended complaint, (**Doc. [53](#)**), is **GRANTED IN PART AND DENIED IN PART.**
- (2) The defendants' motion to dismiss the plaintiff's second amended complaint is **GRANTED** as follows:

 - (a) Counts One (Illegal Search), Two (Illegal Seizure) and Three (Due Process), are dismissed against defendant LIU and the individual defendants in their official capacities;
 - (b) Counts Four (Conspiracy to Interfere with Civil

Rights), Five (Neglect to Prevent Conspiracy), Eight (Defamation), Nine (Invasion of Privacy - False Light), Twelve (IIED) and Thirteen (First Amendment) are dismissed against all defendants.

(c) Counts Sixteen (PHRA Discrimination) and Seventeen (PHRA Retaliation) are dismissed against defendant Geisinger only; and

(d) the plaintiff's request for punitive damages in the remaining claims are dismissed against defendant LIU and the individual defendants in their official capacities.

(3) The defendants' motion to dismiss the plaintiff's second amended complaint is **DENIED** as follows:

(a) Counts One (Illegal Search), Two (Illegal Seizure) and Three (Due Process) against the individual defendants in their individual capacities will proceed;

(b) Counts Six (Failure to Accommodate - Section 504 of the Rehabilitation Act), Seven (Retaliation - Section 504 of the Rehabilitation Act), Ten (FMLA Interference), Eleven (FMLA Retaliation), Fourteen (ADA - Discrimination) and Fifteen (ADA - Retaliation) will proceed; and

(c) the plaintiff's claim for liquidated damages in Counts Ten (FMLA Interference) and Eleven (FMLA Retaliation) will proceed.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: March 24, 2016

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